



KEN PAXTON
ATTORNEY GENERAL OF TEXAS

January 31, 2019

Ms. Sunny Tripp
Assistant City Attorney
City of Dallas
1500 Marilla Street, 7DN
Dallas, Texas 75201



OR2019-02904

Dear Ms. Tripp:

You ask whether certain information is subject to required public disclosure under the Public Information Act (the "Act"), chapter 552 of the Government Code. Your request was assigned ID# 748740 (Reference No. C010054-110218).

The City of Dallas (the "city") received a request for information pertaining to a specified bidding situation, including specified agreements related to a certain event. You claim the submitted information is excepted from disclosure under section 552.104 of the Government Code. We have considered the exception you claim and reviewed the submitted representative sample of information.¹

Section 552.104(a) of the Government Code excepts from disclosure "information that, if released, would give advantage to a competitor or bidder." Gov't Code § 552.104(a). The "test under section 552.104 is whether knowing another bidder's [or competitor's information] would be an advantage, not whether it would be a decisive advantage." *Boeing Co. v. Paxton*, 466 S.W.3d 831 (Tex. 2015). The city states it has specific marketplace interests in the submitted information because the city competes with other cities to host events, which generate revenue and business within the city. The city explains the bidding

¹We assume the "representative sample" of records submitted to this office is truly representative of the requested records as a whole. *See* Open Records Decision Nos. 499 (1988), 497 (1988). This open records letter does not reach, and therefore does not authorize the withholding of, any other requested records to the extent that those records contain substantially different types of information than that submitted to this office.

process for the event at issue is ongoing and release of the information would allow competing cities "to use the city's proposed agreements in the preparation of their own, potentially resulting in a loss of this opportunity to the city." After review of the information at issue and consideration of the arguments, we find the city has established the release of the information at issue would give advantage to a competitor or bidder. Thus, we conclude the city may withhold the submitted information under section 552.104(a) of the Government Code.

This letter ruling is limited to the particular information at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other information or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For more information concerning those rights and responsibilities, please visit our website at http://www.texasattorneygeneral.gov/open/orl_ruling_info.shtml, or call the Office of the Attorney General's Open Government Hotline, toll free, at (877) 673-6839. Questions concerning the allowable charges for providing public information under the Act may be directed to the Office of the Attorney General, toll free, at (888) 672-6787.

Sincerely,

A handwritten signature in blue ink, appearing to read "Katherine Stark".

Katherine Stark
Attorney
Open Records Division

KS/eb

Ref: ID# 748740

Enc. Submitted documents

c: Requestor
(w/o enclosures)